# Enforcement Spec

### 1NC Shell (Long)

#### Evaluate theory through competing interpretations- this means the debater with the most offense to their interp wins theory:

**1.** Reasonability invites judge intervention because what’s reasonable is subjective.

2. Brightline doesn’t solve- Maximization of fairness and education avoids the illogical and arbitrary cutoff of reasonability.

**3.** Reasonability creates a race to the bottom since it motivates debaters to use increasingly unfair strategies and get away with them with defense on theory.

4. Reasonability begs the question of their interp. If I win offense, they are unreasonable. So a. even under reasonability the debater with the most offense wins and b. it collapses to competing interps because the debater has to win their interp / counterinterp first.

5. collapses to competing interps because we have offense-defense debates about the correct brightline

**A. INTERPRETATION:** The AC must have an explicitly delineated advocacy text that specifies the enforcement mechanism for living wage.

**B. VIOLATION:** They don’t.

**C. STANDARDS:**

**1. Scope of ground-**the links and scope of your aff are contingent on what policies you defend so the scope of my ground is unclear.

#### Enforcement is a key solvency provision—there is a huge variation in how living wage ordinances are implemented in terms of enforcement.

#### BERNSTEIN 04 [Jared Bernstein, senior economist at the Economic Policy Institute [fix], “The Living The Living Wage Movement. What Is It, Why Is It, and What’s Known about Its Impact?”, Published by the National Bureau of Economic Research, December 2004, DDA]

3.2.3 Enforcement and Other Miscellaneous Provisions Other than coverage and compensation, some ordinances have provisions relating to labor relations, hiring practices, and enforcement. Owens (1997) points out that labor activists involved in living wage campaigns often try to include provisions that lower barriers to labor organizing and “help to promote a more labor-friendly environment.” In San Jose, for example, the ordinance calls for proposed contracts to undergo a so-called “third-tier review,” where proposals must be examined by the city with regard to good labor practices. Also, the city department that awards the contract must provide the request for proposals to the local American Federation of Labor-Congress of Industrial Organization (AFL-CIO) labor council, ostensibly for the council’s review and input as to whether the employer has a history conducive to maintaining “labor peace.” The Minneapolis ordinance states that “other things being equal and to the extent legally possible,” it will give preferential treatment to firms that engage in “responsible labor relations,” defined as neutrality towards organizing, voluntary recognition based on card checks, and binding arbitration of the first contract. Other ordinances try to insure that those hired under the covered contact or subsidy will come from the local community. In Minneapolis, recipients of contracts or subsidies of at least $100,000 are required to set a goal that 60 percent of new jobs created will be held by city residents. Other provisions call for retention guarantees and the prohibition of privatization of services currently performed by city employees. Finally, the issue of enforcement is surfacing as a crucial component to the success of the ordinance. While most ordinances include at least some language regarding enforcement and penalties for noncompliance, some laws include no reporting requirements or staff to monitor compliance (Luce 1998). For ordinances lacking enforcement provisions, violations are only identified through complaints by workers, who may not be aware of the law or be willing to risk filing a complaint. Additionally, preliminary findings suggest that that some of the existing enforcement provisions are inadequate to ensure compliance. For example, although the Baltimore ordinance requires contractors to submit payroll information to the Wage Commission, the limited staff has been unable to monitor all contracts; in fact, there are no central data on contracts nor is staff able to ensure that payroll data are submitted by all contractors (Niedt et al. 1999). Luce (1998) reports that the only violations sited by the Wage Commission to date were uncovered when activists helped workers file a complaint charging that bus companies did not increase wages as scheduled by the ordinance. The Boston ordinance is unique in that it formalizes activist involvement in enforcement through a “city assistance advisory committee,” which includes one AFL-CIO member, one ACORN member, and five mayoral appointees (Spain and Wiley 1998). However, there was also strong opposition by some members of the business community to the degree of these reporting requirements.

#### Additional ev- great variations

#### DEVINATZ 13 [Victor G. Devinatz (Department of Management and Quantitative Methods, Illinois State University). “The Significance of the Living Wage for US Workers in the Early Twenty-First Century.” Employ Respons Rights J (2013) 25:125–134. 24 March 2013 AJ]

Effective monitoring is an essential component for the successful implementation of a living wage ordinance. An ideal situation would entail city and county personnel responding to inquiries and examining charges of noncompliance by a worker (or those of a third party if permitted by the ordinance), gathering and investigating employer payroll data, traveling to workplaces to confirm that employers have displayed the required poster concerning the statute and that the employees are being provided with the correct remuneration (Luce 2004, p. 51). Enforcement of living wage statutes involves developing appropriate procedures for dealing with situations when employers are believed to have violated living wage ordinances. If at all possible, such a process would begin with an investigation of the noncompliance charge followed by the opportunity for each party to present its position as well as the chance to appeal. Although penalties differ across statutes, if employers are found guilty, they usually consist of the city or county denying payments to the employer, suspending or ending the contract, preventing the contractor from bidding on upcoming contracts for a certain period of time such as 1 year after the first breach, 3 years upon a second, etc. and requiring violators to compensate employees with back wages owed them. The most stringent statutes also force employers to pay the municipality or county a financial penalty; in Baltimore, employers are fined $50 per employee for each day they are found in violation while in Miami-Dade County and Oakland, the fines are levied at the rate of $500 per employee per week (Luce 2004, p. 51).

Clearly defined scope of ground for both sides is key to fairness and education since even if I have more or less ground, if I’m not aware of it, I can’t leverage it against the aff.

And, saying that what policies you defend is implied or that you defend all of them is bad

1. contradictory ground - you allow inconsistent living wage policies like a $500 penalty and no penalty- contradictory ground is the strongest link to fairness and education since you make the round undebatable if you defend two mutually exclusive actions since you can always shift to the undercovered advocacy.
2. stable ground - The topic is vague as to how living wage is enforced absent specifying exactly what you defend. They can shift out of disads, turns, Ks, and counterplans by clarifying how living wage is enforced in the 1ar. Kills fairness because they can moot the entire value of the 1nc by shifting advocacy. *[Also means you kill CP ground since it’s unclear what would be competitive with the aff mechanism - I can’t contest your perms since you didn’t have a text in the AC. This is in-round abuse because it skewed the strategy behind the positions I chose*] Stable ground outweighs predictability or quantity of ground since even if I can make arguments, they’re nullified if you can just delink in the 1ar. And having a text is key
3. Text is more stable and accountable. I can hold you to it as opposed to CX questions that can’t access later.
4. Reasons why CX is better don’t prove that a text isn’t also good – we can still ask clarification questions in my world so it’s not competitive with my interp.
5. CX is for strategy, not to find out what you defend, so I shouldn’t have to ask. And this outweighs time spent outlining your advocacy – that takes seconds as opposed to a line of questioning that can last minutes especially since it’s out of your time not mine. Further, it’s just defense, the fact that I should clarify does not mean that you did specify, it means you could have.
6. **The way to address minimum wage policies is dependent on how they’re implemented, so you need to specify in order for me to leverage the link of disad on case.**

**2. Topic Education-**

**They kill education- 90% of policymaking is implementation rather than analysis.**

ELMORE

[Richard F. Elmore, Professor of political science at University of Washington, Political Science Quarterly, Vol. 94, No. 4, 1980, DDA]

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by policy analysts that decisions are not self-executing. Analysis of policy choices matters very little if the mechanism for implementing those choices is poorly understood. In answering the question, "What percentage of the work of achieving a desired governmental action is done when the preferred analytic alternative has been identified?" Allison estimated that, in the normal case, it was about 10 percent, leaving the remaining 90 percent [of the work of achieving a desired governmental action is done] in the realm of implementation. Hence, in Nelson's terms, "the core of analysis of alternatives becomes the prediction of how alternative organizational structures will behave over . .. time." But the task of prediction is vastly complicated by the absence of a coherent body of organizational theory, making it necessary to posit several alternative models of organization.

Their aff avoids all questions of implementation and instead focuses on the macro-level idea of living wage laws. Also kills ground because I can’t contest 90% of reasons to have living wage.

*Weighing:*

*Last chance to have debates on this topic, reversibility issue*

*In-depth topic debates are key to determine who is the better debater because it allows the debater who best understands the topic to win, not just who is better at tricks or framework. Better substantive debater is the most fair way to determine how you vote: a) the resolution is the mutually agreed upon point of debate, b) it’s what we’ve explored in greatest depth- it lets us showcase our skills the most because we’ve spent the most time prepping the topic. (If we both show up at a hot dog eating contest and are given cheesecake to eat, that doesn’t show the better hot dog eater)*

Depth over breadth:

a) mirrors real world- real policy discussions are about whether one policy proposal would be good or bad, not on the net whether a hundred are good or bad

b) I Co-opt both- we capture breadth by talking about a new issue each round, but get depth at the same time by going in depth on each issue rather than just getting cursory overviews of everything that provide no education

c) card-

#### Studies of US science classrooms prove students learn more from focusing on fewer topics more in depth than many topics in less depth

#### SCIENCE DAILY 09 [Science Daily, “Students Benefit From Depth, Rather Than Breadth, In High School Science Courses”, Source- University of Virginia, Published by ScienceDaily, March 10, 2009, DDA]

Robert Tai, associate professor at the University of Virginia's Curry School of Education, worked with Marc S. Schwartz of the University of Texas at Arlington and Philip M. Sadler and Gerhard Sonnert of the Harvard-Smithsonian Center for Astrophysics to conduct the study and produce the report. The study relates the amount of content covered on a particular topic in high school classes with students' performance in college-level science classes. "As a former high school teacher, I always worried about whether it was better to teach less in greater depth or more with no real depth. This study offers evidence that teaching fewer topics in greater depth is a better way to prepare students for success in college science," Tai said. "These results are based on the performance of thousands of college science students from across the United States." The 8,310 students in the study were enrolled in introductory biology, chemistry or physics in randomly selected four-year colleges and universities. Those who spent one month or more studying one major topic in-depth in high school earned higher grades in college science than their peers who studied more topics in the same period of time. The study revealed that students in courses that focused on mastering a particular topic were impacted twice as much as those in courses that touched on every major topic. The study explored differences between science disciplines, teacher decisions about classroom activities, and out-of-class projects and homework. The researchers carefully controlled for differences in student backgrounds. The study also points out that standardized testing, which seeks to measure overall knowledge in an entire discipline, may not capture a student's high level of mastery in a few key science topics. Teachers who "teach to the test" may not be optimizing their students' chance of success in college science courses, Tai noted. "President Obama has challenged the nation to become the most educated in the world by having the largest proportion of college graduates among its citizens in the coming decade," Tai said. "To meet this challenge, it is imperative that we use the research to inform our educational practice." The study was part of the Factors Influencing College Science Success study, funded by the National Science Foundation.

**3. resolvability-** It doesn’t make sense to ask the question of a living wage in a vaccum, we need to know enforcement to test if the aff is a good idea. Without spec, we both read conflicting solvency evidence that refer to systems with different enforcement mechanisms and the debate becomes 2 ships passing in the night because there’s no way to compare evidence which kills our ability to clash The debate becomes an irresolvable assertion war because different pieces of evidence are about different circumstances with no way to prioritize. Resolvability links to fairness because the judge can’t accurately resolve the line-by-line in a non-interventionist way so they can’t know the better debating because we aren’t clashing. Clash is key to education because it allows argument analysis and in depth comparison, the key skills of debate.

*[explain hypothetical in 2nr], just b/c it didn’t happen in this debate doesn't mean there isn’t real abuse, this has happened in the past, don't make me prove the abuse by trying to engage substantively because then I’ll lose*

#### D. VOTERS:

***CAN’T DROP ARG ON SPEC BECAUSE IT’S SOMEHTING THEY SHOULD HAVE DONE AND WE CAN’T GO BACK IN TIME.***

Fairness is a voter since debate is a competitive activity that requires an equal opportunity for the judge to know who’s doing the better debating, which is impossible to do objectively if one debater has an arbitrary advantage. Fairness is a gateway issue to evaluating substance because you can’t tell if they are actually winning the argument through skill.

Drop the debater

a) gateway issue- Drop the argument asks you to evaluate a round without the abuse or theory, but it’s impossible evaluate a round that never occurred because every aspect of the debate in terms of strategy and arguments would have been different had the abuse not happened. Vote on theory because it’s the only unskewed layer.

b) time skew- Rejecting the argument furthers the abuse because they kick it for a positive time tradeoff. I lose all the time I invested on theory and I had to cover the argument substantively to cover my bases.

c) deterrence- only giving the loss will deter future abuse, otherwise they drop the arg and exploit the time tradeoff of me reading theory. Minimizing abuse comes first because it’s the purpose of theory.

d) norms- to set a precedent for the best norms of debate, which is the purpose of establishing theoretical interps

Finally, There’s no impact to over-punishment. Abuse is prevention of equal access to the ballot but punishment is a response to already unequal access which means it’s impossible for it to be abusive itself.

2. Education is a voter- debate is an educational activity founded on the basis of teaching debaters valuable skills for the rest of their lives so they detract from the only long-term goal of debate. Vote on education because a) the substance they chose to run destroys any potential value of debate, b) you have a role as an educator to discourage and punish uneducational practices by voting them down for ruining the educational value of this round

## 2NR

### AT- CX Checks

*doesn’t link back to their counterinterp- so not offense for then under competing interps*

1. It’s just defense- Reasons why CX is better don’t prove that a text isn’t also good – we can still ask clarification questions in my world so it’s not competitive with my interp.
2. *I need to use CX strategically to get concessions and shouldn’t have to give up my CX time for them to explain a plan that they should have read in their speech. Also links to education because CX is the only place where we learn how to assert dominance and converse with another person through question and response that mirror the real world.*
3. Judges don’t flow CX so they can misconstrue what happened. Kills fairness because they can shift advocacy in the 1AR.
4. Specification in the AC with a text is key to textual competition for counterplans – otherwise the 1AR could permute even if they functionally allow it to compete. Textual competition is best because it’s the most objective.
5. CX clarification denies pre-round prep which is crucial to fair and educational debates – it’s the time when the entire negative strategy is formulated – otherwise the aff has a prep advantage because only they know what they’ll specify and go all-out prepping it but neg has to prep all types of enforcement. Also doesn’t allow the neg to prep during the 1AC.
6. Infinitely regressive – this justifies the aff just saying “Plan – ask me about it in cross-x”
7. Not verifiable. We can’t know if they would have actually specified. People are trained in CX to be shady as possible- no way I could get an actual concession.
8. My interp subsumes theirs- there’s specification in both worlds but under my interp spec comes earlier (in the AC), so I have more time to prep which ensures clash

### Standards Analysis

#### AT- predictability:

Reject altruistic theory

a. it’s contradictory—they say they are helping me with their counterinterp, but it actually hurts me if I lose AFC and all the time I put into it, b. I need the ability to make strategic sacrifices c. It’s ridiculous that I should lose for hurting myself d. I would only read an interp if I thought it was advantageous to me

other ways to check unpredictable affs, but not other ways to check back for the abuse on my standards

1. Weighing- Extend from the stable ground standard- outweighs predictability because it doesn’t matter if I can make arguments if you can delink them in the 1AR.
2. Non-verifiable: We don’t know what I could’ve predicted out of round. Verifiability is a side constraint on abuse claims because it prevents judges from voting on abuse that didn’t occur.
3. Terminal defense- The evidence in then the ground standard prove that I can predict what types of aff you would read.
4. Terminal defense- disclosure solves all predictability issues.
5. Literature checks- I need a solvency advocate
6. Lit chekcs- there’s a limit of plans
7. turn- absent spec you can make bogus reasons you solve or what your advocacy is in the 1ar which is far less predictable than an advocacy text that I could research- means you can’t solve the benefit b/c debaters will still allude to pans just in ways even further away from topic lit
8. in round predictablility- you can escape solvency indicts, CPs, etc which my shell roves outweighs out of round predictability because 1. impacts to structural abuse that directly alters win conditions rather than just making it slightly hardr to win or lose which things like speed, font size, etc all effect, 2) more tangible b/c out of round predictability is affected by vaious factors including resources, coahes, etc- while your ability to have an unpredictable in round strat is more likely to cause a direct structural skew

### AT- phil ground

1. Terminal defense- no harm to phil ground under my interp- you can read all the same normative theories of justice, we just also need policy education
2. Turn- Diminishing returns after lots of clash on 1 issue, it’s better to spread the debate out over 2 layers- phil and topical debate.

**And, Prefer topic-specific debate to ethical debate.**

**LAWRENCE 12** [Ryan Lawrence, Ryan has been involved in the activity for over ten years. Spending the last three as the Director of Forensics at Lynbrook High School in San Jose, CA, Ryan worked with over two hundred students across multiple events. He has coached debaters to late out-rounds at the California State Tournament, NFL Nationals, and semifinals of the TOC. He has extensive experience coaching debaters for both the local and national circuits and draws on experience in multiple debate events to take a well-rounded approach to both coaching and camp instruction. As a high school debater, Ryan won the Stanford Invitational and Round Robin, placed among the top 16 seeds at TOC, and qualified to both NFL Nationals and the TOC twice. In college, Ryan was on the number one ranked parli team in the nation, “Affirmative Ethics Choice”, Victory Briefs Daily, < http://victorybriefs.com/vbd/2012/03/affirmative-ethics-choice-by-ryan-lawrence>, DDA]

**First**, the **ethics debate has been going on for several hundred years and has not come even close to being resolved**. To think that **the discussion** that happens **in a 45 minute debate** has any educational value on an issue that is so deep, nuanced, and irresolvable **is delusional. Any education** to be derived from this issue **is best accessed by just reading articles**. To call the dilapidated ethical discussions that currently occur in most LD rounds “good debate” is a giant misnomer. **Second**, the **ethics** debate **trades off with** a **discussion of the resolution. Since debaters have** a **limited** window of **opportunity to debate the topic**, we should **prefer topic-specific discussions over generic ethics**. Squads should not be able to run the same argument(s) for five years on the negative in LD instead of making new arguments on each resolution. What is more, if debate is supposed to educate its participants to become better-informed citizens and critical thinkers. An **ivory tower discussion of meta-ethics has little practical value** for high school debaters moving forward into college and beyond.

Every second we waste on philosophy trades off with an opportunity to learn about the topic.

### AT- PIC ground

### AT- limits

1. Non-unique: Affs can generate offense from the same scenarios whether they specify one advocacy or not.
2. Terminal defense- disclosure of the plan text solves for lack of limits.
3. Defense- generics solve back for aff specifying a hyper-specific scenario.
4. Begs the question- Just because the aff reads a specific advocacy doesn’t mean we can’t limit how they are able to advocate their plan in other ways e.g. US-only
5. Only 3 different types of limits- generic arguments against different types of implementation apply. The only difference could be situational factors based on wihch government does the plan, but my interp doesn’t make them spec the government.

### AT solvency evidence checks back

1. solvency evidence doesn’t define the advocacy- it’s just an advantage to the advocacy so all the theoretical objections still apply
2. begs the question of whether you should be reading that solvency evidence
3. just defense- shows you might not have shifted- also doesn’t answer back the scope of ground or resolvability claims

### AT pre roundsolves

1. It’s both debaters’ burden to be fair, not their opponents’ burden to make them fair
2. Impossible- there are infinite things to check pre-round
3. text more reliable- pre round discussions not flowed, and debaters can find semantic loopholes to get out of theory violations
4. turn- preround itnerps bad because they doesn’t account for context of arguments in relation to constructives

### AT- links of omissions

#### Overview:

you can do it too

checking abuse good- encourages lack of clarity in AC

key to T Ground

I’ll concede preround

aff can be unpredictable

neg can read whatever they want so no ground lost

aff can spec the best ground for them

spec outweighs

Prep altruistic theory bad

at- avoids friv theory

framework weighing spec

strat skew- you can shift

judge intervention- if you spec in 2n, harder to weigh claims

### AT- You get all links

1. Retroactive

2. doesn’t solve resolvability

3. depth over breadth

4. I get no links- can’t get a link to a DA

5. saying that I can link all DAs doesn’t make sense, obviously if I read an econ DA for giving a 1 trillion dollar fine, the judge won’t hold the aff to that link if it’s clearly not part of the aff advocacy- the 1ar would be able to shift

at- links of omission bad

arguments to answer

1. not relevant under the aff framework
2. neg needs to specify everything too

## Weighing

### Spec Weighing

o/w PICS bad

1. If I win SPEC it proves that the aff advocacy was too generic for me to generate quality offense on. The abuse on PICs bad is self-imposed since I had to read the PIC to take out an initially unfair aff strategy.
2. SPEC solves PIC abuse- SPEC proves that to evaluate the resolution, we need to limit the topic to a specific instance of living wage. Aff had the ability to do so in the AC and avoid the PIC, so it’s not my fault that he was non-strategic.
3. It is impossible to engage an aff and for the judge to decide objectively that does not specify since it is a pre-requisite to evaluating what the topic means. In the world of a PIC, maybe he has less ground, but there is still a possibility for debate.
4. His reasons why PICs are bad aren't specific to the topic, so if I win topic-specific theory outweighs normal theory, prioritize SPEC:
   1. We only have 2 months to establish norms for the topic because after that it changes. Yet for theory we have an unlimited amount of time to establish norms. Thus, vote on T first in order to establish norms before a topic change.
   2. T constrains theory. If we can combat abuse that particularly stems from the nature of the topic, it will help us address more generic theoretical concerns.
5. Allowing for contradictory ground like 2 different numerical living wages outweighs margin loss of ground on the layer of the PIC since the former precludes my ability to access multiple layers, rather than just debate on one specific layer. I can’t turn his advocacy without turning myself, which means the PIC was necessary to allow me access to any neg strategic layers.